

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT
OF PENNSYLVANIA**

THOMAS PUCCI, SHARON E. TAYLOR,)
PETER CAMPBELL, DANIELLE)
BARNEY, BARBARA CLEGHORN)
ROGER MAISNER, ROBERTA PAGE,)
FRANCES A. NEE,)

Plaintiff,)

v.)

PENNSYLVANIA STATE SYSTEM OF)
HIGHER EDUCATION and THE)
ASSOCIATION OF PENNSYLVANIA)
STATE COLLEGE AND UNIVERSITY)
FACULTIES (APSCUF), CALIFORNIA)
UNIVERSITY OF PENNSYLVANIA,)
LOCK HAVEN UNIVERSITY OF)
PENNSYLVANIA, WEST CHESTER)
UNIVERSITY OF PENNSYLVANIA)
MANSFIELD UNIVERSITY OF)
PENNSYLVANIA, SHIPPENSBURG)
UNIVERSITY OF PENNSYLVANIA and)
INDIANA UNIVERSITY OF)
PENNSYLVANIA,)

Defendants.)

Doc. No.: 2:10-cv-01062

Type of Pleading:
MOTION FOR VOLUNTARY
DISMISSAL WITHOUT
PREJUDICE PURSUANT TO
RULE F.R.C.P. RULE 41

Filed on Behalf of:
THOMAS PUCCI, SHARON E. TAYLOR,
PETER CAMPBELL, DANIELLE BARNEY,
BARBARA CLEGHORN, ROGER MAISNER,
ROBERTA PAGE, and FRANCES A. NEE ,
Plaintiffs

Counsel of Record:
D. SCOTT LAUTNER, ESQUIRE
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Pittsburgh, PA 15236
(412) 650-8820

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Defendants.)

CERTIFICATE OF SERVICE

I, D. Scott Lautner, Esquire, certify that a true and correct copy of the within Motion to Voluntary Dismissal without Prejudice Pursuant to F.R.C.P. Rule 41 was served via electronic mail on the 29th day of October, 2010 to the following:

SCOTT A. BRADLEY, Esquire
Pennsylvania Office of Attorney General
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Pittsburgh, Pennsylvania 15219
sbradley@attorneygeneral.gov

/s/ D. Scott Lautner, Esquire
D. Scott Lautner, Esquire
Attorney for Plaintiffs

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Defendants.)

MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE
PURSUANT TO F.R.C.P. RULE 41

AND NOW COMES, Plaintiffs, D Thomas Pucci, Sharon E. Taylor and Peter Campbell, Danielle Barney, Barbara Cleghorn, Roger Maisner, Roberta Page, and Frances A. Nee and files the within Motion for Voluntary Dismissal Without Prejudice Pursuant to F.R.C.P. Rule 41 and avers as follows:

1. Plaintiffs seek to withdraw the action at bar without prejudice pursuant to F.R.C.P. Rule 41, for the purposes of re-filing this action in the Commonwealth Court of Pennsylvania.

WHEREFORE, Plaintiffs seek to voluntarily dismiss, without prejudice, the action at bar.

Respectfully submitted,

/s/ D. Scott Lautner, Esquire
D. Scott Lautner, Esquire
Attorney for Plaintiffs